REMARKS

This application has been carefully reviewed in view of the Final Office Action and the Advisory Action, and reconsideration is requested in view of the following remarks. Applicant appreciates the Examiner's detailed explanation of interpretation of So. The Examiner denied Applicant's request for an interview after Final Rejection. Applicant reiterates request for an interview in view of the present RCE and amendments.

In view of the Examiner's detailed explanation provided in the Advisory Action, the present response incorporates amendments that are believed to address all of the Examiner's concerns. Accordingly, the claims as amended are submitted to be allowable, and such is respectfully requested.

However, Applicant takes issue with multiple arguments presented during the Advisory Action and feels that the Examiner's interpretation of So is overly broad and in some cases in error. That notwithstanding, Applicant understands that one basis for the rejection based on So is that the claims as interpreted by the Examiner do not require encryption for each VOD session. The present amendments are intended to assure that that interpretation cannot be mistaken. Several amendments are presented such as including the term "session based" in the claims as well as specifying that the if-then actions are to take place "for each such request from a subscriber terminal to initiate a VOD session" and similar language.

Applicant believes that the prior language was adequate to establish the above, but is happy to provide clarification to assure that the intent of the language is clear. Applicant has also made further amendments to assure clarity of the language, and to assure that there is interpretation of selection between one of at least two encryption methods. Additionally, the claims now clearly reflect that the request is from a "subscriber" terminal (e.g., a STB in a cable system). Claim 7 has been cancelled without prejudice as redundant to claim 11.

Specifically regarding the Advisory Action remarks, Applicant submits that much of the position put forth by the Examiner is rendered moot in view of the present amendments, but wishes his position to be of record. The Advisory Action states at the second and third paragraphs of the remarks that a reduced number of encrypters is a well known benefit of selective encryption. However, no support is provided for this assertion. Had So recognized

this, he might not have bothered to devise his ECM retrofitting technique. The calculations used and discussions of paragraphs [0015] and [0016] clearly bear out that So does not recognize that selective encryption could help solve the problem he is addressing, and that So views pre-encryption and ECM retrofitting as the solution.

Regarding paragraphs 4 and 5 of the remarks, Applicant has also amended to clarify that the request comes from a "subscriber terminal". This was the intended meaning of simply using the term "terminal" in the original claims. With this clarification, the claims clearly cannot be interpreted so broadly as to encompass a request from a cable system.

The arguments presented in paragraphs 5 and 6 of the remarks in the Advisory Action are not fully understood. It appears to Applicant that So generates ECMs on demand for purpose of permitting access to pre-encrypted content. The demand issue is addressed above.

Regarding the argument of paragraph 7 of the Advisory action, paragraph [0098] of So appears to continue to describe a pre-encryption concept. Note that an off-line encrypter is used. This embodiment appears to differ in that acquisition of the content may begin prior to completion of the pre-encryption.

Regarding the argument of paragraph 8 of the Advisory action, the request appears to be from a system in which encryption is homogeneous. However, the Examiner's point that a request from terminal can occur prior to completion of pre-encryption is well taken.

Regarding the argument of paragraph 9 of the Advisory action, this argument appears to define the essence of the semantics issue which Applicant hopes is addressed in the present amendment.

Regarding the argument of paragraph 10 of the Advisory action, Applicant agrees that delivery is certainly on client request, but disagrees with the Examiner's line of reasoning. However, with the clarification to the claims, the issue is believed moot.
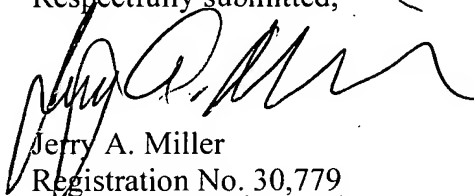
Regarding the argument of paragraph 11 of the Advisory action, paragraph [0051] and Fig. 1 show only a single network. The encryption parameters discussed in paragraph [0063] are those such as the encryption key. There is no evidence that this could extend to parameters that define another encryption method. There is no enabling disclosure as to how multiple decryption methods can coexist on a single network, or be used across multiple networks. Encryption

according to the specifications of the CAS 110 is to be expected for it to work on the system. However, such statement does not teach or enable use in a system where multiple encryption methods coexist. The claims clearly require this, and enablement is a requirement for So to be usable in a viable 102 applicable rejection.

Applicant further notes that an interview has been requested throughout prosecution of this application, and again reiterates such request.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of a telephone or personal interview. The undersigned can be reached at the telephone number below.

Respectfully submitted,

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